

TLR

Decision No. 84254

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of }  
SOUTHERN PACIFIC TRANSPORTATION }  
COMPANY for an order authorizing the } Application No. 55240  
construction at grade of an in- } (Filed October 10, 1974;  
dustrial drill track in upon and } amended February 13, 1975)  
across Ahern Street in Union City, }  
County of Alameda, State of California. }

O P I N I O N

The Southern Pacific Transportation Company (applicant) seeks an order of the Commission authorizing the construction, at grade, of an industrial drill track across Ahern Street, in the City of Union City, County of Alameda.

This industrial drill track will serve the Alvarado Industrial Park.

The City of Union City is the lead agency for the Alvarado Industrial Park, and has approved an Environmental Impact Report as required by the "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended. On May 21, 1973, the City of Union City filed "Notice of Determination...EIR" approving the Industrial Park and EIR E-11.73.

The applicant by its amended application has requested that authorization be granted with temporary protection consisting of crossing signs and with all movements over the crossing protected by a member of the train crew until automatic warning devices can be placed in service.

Notice of the original application was published on October 11, 1974, and of the amended application on February 14, 1975, in the Commission's Daily Calendar. No protests have been received. A public hearing is not necessary.

### F I N D I N G S

After consideration, the Commission finds:

1. The proposed construction will provide rail service to warehouses now completed or near completion in the Alvarado Industrial Park.
2. Applicant should be authorized to construct an industrial drill track, at grade, across Ahern Street in the City of Union City, County of Alameda, at the location and substantially as shown by the plan attached to the original application.
3. Costs of constructing the crossing should be borne by the applicant.
4. Installation and maintenance costs of the automatic warning devices should be borne by the applicant.
5. The Commission has considered Union City's Environmental Impact Report in rendering its decision on this project and finds that the benefits of the project involved in this proceeding outweigh any adverse environmental effects, and that it should be approved in view of the public benefits derived.
6. An industry to be served is anxious to receive service over this track and the applicant should be authorized to proceed with construction with interim protection as requested in the amended application.
7. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the original application and comply with applicable rules and general orders of the Commission.

### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The Southern Pacific Transportation Company (applicant) is authorized to construct a drill track across Ahern Street, in the City of Union City, County of Alameda, at the location and substantially as shown by the plan attached to the application with warning devices to consist of two (2) Standard No. 9-A signals (General Order No. 75-C) and to be identified as Crossing No. L-26.48-C.
2. Costs of constructing the crossing shall be borne by the applicant.
3. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order No. 72-B). Crossing widths shall conform to the existing street widths with tops of rail flush with the street.
4. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.
5. Installation and maintenance costs of the automatic warning devices shall be borne by the Southern Pacific Transportation Company.
6. Maintenance of the crossing shall be in accordance with General Order No. 72-B.
7. For a period not to exceed one year from the date of this order, protection at the crossing may be two (2) Standard No. 1-R signs (General Order No. 75-C) and no on-rail vehicle shall be operated over said crossing unless it shall first be brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as a flagman.
8. Written instructions shall be issued by the railroad to trainmen, operating over said crossing, to comply with said flagging instructions. A copy of said instructions shall be filed with the Commission within thirty days after installation of said crossing.
9. Flagging procedures outlined herein shall remain in full force until the automatic warning devices required herein are installed.

10. Suitable signs shall be installed at both sides of Ahern Street, calling attention of trainmen to the flagging instructions.

11. This authorization shall expire if not exercised within one year unless time be extended or if the above conditions are not complied with.

12. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization may be revoked if public convenience, necessity or safety so require.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 25th day of MARCH, 1975.

William L. Sturgeon  
President  
William J. Brown  
[Signature]  
Leonard Ross  
Commissioners